

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

FATE SANTEE	§	PLAINTIFF
	§	
v.	§	CIVIL NO.: 1:14cv34-HSO-RHW
	§	
RON KING, HUBERT DAVIS, and JODECI A. DEARBORN, individually and in his official capacity	§ § § §	DEFENDANTS

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
DISMISSING CASE FOR FAILURE TO PROSECUTE**

BEFORE THE COURT is the Report and Recommendation [41] of United States Magistrate Judge Robert H. Walker entered on July 27, 2015. The Magistrate Judge recommends dismissal of this case for failure to prosecute on grounds that Plaintiff Fate Santee failed to appear at or seek to be excused from the July 27, 2015, omnibus hearing.¹ The Court has thoroughly reviewed the finding in the Report and Recommendation, the record, and relevant legal authorities, and finds that Plaintiff's claims should be dismissed for failure to prosecute.

To date, no objection to the Report and Recommendation has been filed by Plaintiff.² Where no party has objected to a magistrate judge's findings of fact and recommendation, a court need not conduct a de novo review of it. *See* 28 U.S.C. § 636(b)(1) ("[A] judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which

¹ On June 12, 2015, Plaintiff acknowledged receipt of the June 11, 2015, Order Setting Omnibus Hearing [39]. *See* Acknowledgment [40].

² The record reflects that as of July 28, 2015, the Report and Recommendation [41] was received and signed for at the location of Plaintiff's address of record. Acknowledgment [42].

objection is made.”). In such cases, a court need only review the proposed findings of fact and recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court finds that the Magistrate Judge’s Report and Recommendation [41] thoroughly considered the issues and is neither clearly erroneous nor contrary to law. The Court, being fully advised in the premises, finds that the Magistrate Judge properly recommended that Plaintiff’s Complaint [1] should be dismissed for Plaintiff’s failure to prosecute. The Report and Recommendation will be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation [41] of Magistrate Judge Robert H. Walker entered on July 27, 2015, is adopted as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that Plaintiff Fate Santee’s claims are **DISMISSED**.

SO ORDERED AND ADJUDGED, this the 19th day of August, 2015.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE